

## NAMING RIGHTS AND USE DOCUMENT

The Ray and Peg Hirvonen Charitable Foundation (Hirvonen Foundation) and the City of Marquette (City) enter into this agreement on terms and for the consideration set forth herein for the construction and naming of the City Bandshell, located on City owned property on Presque Island Park.

1. **Term:** The term of this Agreement is in perpetuity, except as otherwise specifically covered in the Agreement. The City will continue open and honest communication with the Hirvonen Foundation during the design, build, and signage processes.
2. **Financial Commitment:** The Hirvonen Foundation will provide \$100,000 in FY 2023/2024 for preliminary groundwork in the design, build phase. In FY 2024/2025 the Hirvonen Foundation will provide \$900,000 for the naming rights (defined below) granted herein, upon the execution of this agreement. If the bandshell project is scrapped by the city for whatever reason, the \$900,000 will be returned to the Hirvonen Foundation within that fiscal year.
3. **Naming Rights:** During the term of this Agreement, the City hereby grants to the Hirvonen Foundation the exclusive rights to name the new City Bandshell "The Peg Hirvonen(Memorial)Bandshell", currently located on Presque Isle.
4. **Signage:** The Hirvonen Foundation will work with the City to design adequate signage for the Venue. The signage will include, but not be limited to, new signs at the planned new bandshell, the design, placement, and location of which will be subject to review and approval pursuant to any applicable city ordinances.
5. **Ownership:** The Bandshell will be owned by the City. The design, construction, and operation of the new Bandshell is solely the liability of the City.
6. **Non-Waiver:** The failure of either party to exercise any rights or remedies under this Agreement for any breach shall not constitute a continuing waiver of any obligation and shall not prevent either party from pursuing such rights or remedies for any succeeding breach.
7. **Binding Effect:** This Agreement, once approved and signed by both parties is binding on and shall inure to the benefits of the parties and their respective successors, assigns, subcontractors, heirs and legal representatives.
8. **Termination:** The City is responsible for maintaining the structure. At the end of its useful life and/or upon reconstruction funded by an entity other than the Hirvonen Foundation, the agreement will terminate.
9. **Governing Law:** this Agreement shall be governed by the laws of the State of Michigan.

The Parties hereto agree that this Naming Agreement shall have effect on Oct. 26, 2023.

Signatures:

*Janida A. Hirvonen*  
President  
Ray & Peg Hirvonen Foundation  
10/06/2023